

# Road Right-of-Way Vacation

Bulletin  
**#101**



## **Q:** What is a Road Right-of-Way Vacation?

**A:** A Right-of-Way Vacation is required whenever the County “vacates,” or “removes public interest in” a County road right-of-way (or easement) and it is relinquished to the abutting property. This action is taken by County ordinance (through County Council) if the right-of-way “is considered useless...for transportation purposes” and is determined to be “beneficial to the public.” The ordinance is considered by the County Council at a public hearing.

## **Q:** How is the vacation process started?

**A:** Property owners adjoining County-owned rights-of-way may initiate a vacation by filing a request with Public Works. The request must include:

- A description of the right-of-way to be vacated;
- The reason(s) for the request; and
- A base application fee of \$ 500 (non-refundable).

## **Q:** How long does it take?

**A:** A typical road right-of-way vacation takes nine to ten months, although the processing time depends on the complexity and number of issues that need to be resolved.

## **Q:** What does the process involve?

**A:** First the County reviews the public’s interest in the right-of-way by having various County departments comment on the proposal. At the same time, notice is given to the utilities in the vicinity of the right-of-way. When necessary, the County may reserve an easement in the right-of-way for existing or planned utilities.

At the end of the investigation, the requester will be notified of the review findings and steps necessary to proceed:

- The “Freeholder’s Petition for Vacation of a County Road” form must be completed and signed by the property owner(s) of the majority of the frontage along the proposed right-of-way vacation;
- A legal description and survey drawing of the right-of-way proposed for vacation must be prepared and stamped by a professional land surveyor or professional engineer;
- The width and length of the road right-of-way must be staked to allow Public Works staff to review the site with some accuracy; and

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- A statement must be signed by the requester regarding coordination responsibilities for payment of various costs.

When all requirements are met, County staff will prepare the reports and documents for the County Council's consideration at a public hearing. If Public Works determines the right-of-way is needed for transportation purposes and the public would not benefit by the vacation, the department will recommend that the County Council deny the road right-of-way vacation.

## **Q: What happens at the public hearing?**

**A:** The public hearing allows public input. Property owners are encouraged to attend the hearing to express their views. County staff will make a presentation and the County Council will make their decision whether or not to grant the road right-of-way vacation based on the County Road Engineer's Report, letters received, and public testimony.

The hearing date will be published in the newspaper of record (*The Herald*) and notice will be posted at three locations near the proposed right-of-way vacation 20 days before the hearing.

## **Q: What if there's more than one property owner?**

**A:** Vacated property always returns to its historical origin. If there are two adjoining property owners (one of each side of the road, for example), each property owner usually receives half the vacated right-of-way. This distribution occurs automatically by law, no matter who petitions for a vacation or who pays the vacation costs. A vacation simply terminates the County's authority over a piece of property; it does not distribute property.

## **Q: What are the costs?**

**A:** A non-refundable \$500 base application fee is required to help defray the administrative and investigative costs, payable when the request is initially made. In addition, the requestor must pay:

- Any administrative costs over the \$500 base fee as a condition of granting the vacation;
- A \$200 Notice of Public Hearing fee; and
- Compensation for the value of the vacated right-of-way. The Right-of-Way Section of Public Works will determine the value based on the square footage and current market data. If it is determined that a full appraisal is required, the County will contract for an appraisal, and the requester will be responsible for the cost. Compensation payment must be made prior to vacation.

The requester is responsible for deciding how the administrative costs of the vacation will be apportioned. If neighbors are involved in sharing the costs, this should be negotiated and agreed to prior to filing the request. A written statement should be submitted to Public Works detailing the responsibilities.

All checks are to be made payable to the Department of Public Works. The above fees and costs may be subject to change at any time by action of the County Council. Once the ordinance is accepted, all associated costs must be paid in full prior to recording the ordinance with the County Auditor.

## **Q: How do I get more information?**

**A:** A meeting is usually scheduled with interested parties to more fully explain the process and answer any additional questions the property owner(s) may have. Those who request a vacation as part of an overall plan to consolidate property for development are urged to do so before investing in specific development plans. Vacations which are contingent on a specific project may not be finalized until assurances are provided that the project will be constructed.

## **For more information:**

Visit: Customer Service Center  
Snohomish County Public Works  
2nd Floor, Admin-East Bldg.  
3000 Rockefeller Ave., M/S 607  
Everett, WA 98201

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